

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN BERMAN,

No. C-09-4065 MMC

Plaintiff,

v.

**ORDER DENYING WITHOUT
PREJUDICE STIPULATION TO CHANGE
TRIAL**

OPENTV CORP., et al.,

Defendants


Before the Court is the "Stipulation to Change Trial Date," filed February 12, 2010, in which plaintiff John L. Berman and defendants OpenTV Corp. and Liberty Media Corporation request the trial date in the above-titled action be continued from April 18, 2011 to September 5, 2011.¹

In support thereof, the parties to the stipulation state, with no elaboration, that such continuance is "[d]ue to scheduling and other conflicts." (See Stipulation at 1:24-25.)² Such minimal showing is insufficient to support a finding that good cause exists to extend the trial date. See Fed. R. Civ. P. 16(b)(4).

Accordingly, the Stipulated Request is hereby DENIED without prejudice.

IT IS SO ORDERED.

Dated: February 16, 2010


MAKINE M. CHESNEY
United States District Judge

¹The parties to the stipulation do not request any other date be continued.

²Defendant Wink Communications, Inc., which first appeared on February 12, 2010 by filing an answer, is not a party to the stipulation.